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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,164	02/14/2002	Shinya Adachi	NGB-34408	6919
116 7590 05/13/2008 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER KENNEDY, ADRIAN L	
			ART UNIT	PAPER NUMBER
			2129	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/075,164

Applicant(s)

ADACHI ET AL.

Examiner

ADRIAN L. KENNEDY

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6, 12, 13 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 12, 13 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Examiner's Detailed Office Action

1. This Office Action is responsive to **Request for Continued Examination**, filed **October 30, 2007**.
2. **Claims 1, 6, 12-13, 16-21** will be examined.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6, 12-13, and 16-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (USPN 6,249,740, referred to as Ito), in view of Myr (USPubN 2001/0029425, referred to as Myr).

Regarding claim 1:

Ito teaches,

creating location information based on the first digital map by a transmitting system (Ito: Column(C) 3, Lines(L) 14-28;), the event location information including:

a list of points on a road segment of the first digital map (Ito: C 3, L 65-67;

Examiner's Note(EN):The examiner takes the position that the applicant's claimed "points on a road segment" read on the map data and road data as taught by Ito.), and

attribute information on said points (Ito: C 9, L 19-25);
transmitting the location information from the transmitting system (Ito: C 3, L 14-28);
receiving said location information (Ito: C 3, L 14-19) by a receiving system having the
second digital map (Ito: C 3, L 29-34), the second digital map including data representing
the road segment (Ito: C 3, L 29-34; EN: The examiner has found that the applicant's
claimed "second digital map including data representing the road segment" reads on the
navigation data being on the navigation apparatus, and the navigation data comprising
map and road data.), said data being different from the list of points (Ito: C 9, L 38-42;
EN: Having not defined the term "different" in the claimed invention, and having not
claimed what the applicant means by claiming that the "list of points" is "different" from
the "data", the examiner has asserted a definition of these terms and phrases. Based on
this assertion, the examiner has found that Ito et al. anticipates the applicant's claim "list
of points" being "different". This assertion is based on the fact that it would have been
obvious to one of ordinary skill in the art that the data transmitted from one location is
"different" from the data at a second location.); and
performing matching of said points with said data to identify said road segment on the
second digital map (Ito: C 3, L 29-34) using coordinates information of the points and the
attribute information included in the location information (Ito: C 19, L 66-67; C 20 L 1-
12; Fig. 11).

Ito does not teach the use of event location information.

Myr teaches

The mapping of event location information (Myr: ¶ 0178; Examiner's Note(EN): Having not further defined the applicant's claimed "event location information" in the claimed invention, the examiner has found that the applicant's claimed "event location information" reads on the traffic accident (i.e. the "event") location information as taught by Myr.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the vehicle guidance system of Myr with the vehicle navigation apparatus of Ito for the purpose of mapping event locations (Myr: ¶ 0178).

Regarding claim 6, 17, 18, and 19:

Ito teaches,

(Previously presented): The method wherein said attribute information includes at least one information item chosen from a group consisting of road type code, road number, toll highway code, number of traffic lanes, regulation information, road width, number of connecting links to a crossing node, and connection angle of each connecting link to a crossing node (Ito: C 9, L 19-25; Fig. 25).

Regarding claim 12:

Ito teaches,

a digital map (Ito: C 3, L 65-67);
an information generator that generates, based on the digital map, location information (Ito: C 3, L 65-67) including:

a list of points on a road segment of the digital map, and attribute information on said points (EN: The examiner takes the position that the above claimed information including a "list of points on a road segment" are all anticipated by navigation data as taught in Column 3, Lines 65-67 of the invention of Ito et al.); and

a transmitter that transmits the location information (Ito: C 3, L 14-28) to a receiving apparatus (Ito: C 3, L 29-34) having another digital map including data representing the road segment, said data being different from the list of points (Ito: C 9, L 38-42; EN: Having not defined the term "different" in the claimed invention, and having not claimed what the applicant means by claiming that the "list of points" is "different" from the "data", the examiner has asserted a definition of these terms and phrases. Based on this assertion, the examiner has found that Ito et al. anticipates the applicant's claim "list of points" being "different". This assertion is based on the fact that it would have been obvious to one of ordinary skill in the art that the data transmitted from one location is "different" from the data at a second location.).

Ito does not teach the use of event location information.

Myr teaches

The mapping of event location information (Myr: ¶ 0178; EN: Having not further defined the applicant's claimed "event location information" in the claimed invention, the examiner has found that the applicant's claimed "event location information" reads on the traffic accident (i.e. the "event") location information as taught by Myr.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the vehicle guidance system of Myr with the vehicle navigation apparatus of Ito for the purpose of mapping event locations (Myr: ¶ 0178).

Regarding claim 13:

Ito teaches,

a receiver that receives location information (Ito: C 3, L 29-34) including:

a list of points on a road segment of a digital map, the attribute information on said road segment from a transmission apparatus having the digital map (Ito: C 3, L 65-67);

another digital map including data representing the road segment, said data being different from the list of points (Ito: C 9, L 38-42; EN: Having not defined the term “different” in the claimed invention, and having not claimed what the applicant means by claiming that the “list of points” is “different” from the “data”, the examiner has asserted a definition of these terms and phrases. Based on this assertion, the examiner has found that Ito et al. anticipates the applicant’s claim “list of points” being “different”. This assertion is based on the fact that it would have been obvious to one of ordinary skill in the art that the data transmitted from one location is "different" from the data at a second location.);
and

an identifying unit that performs matching of said points with said data to identify said road segment on the another digital map using coordinates information of the

points and the attribute information included in the location information (Ito: C 19, L 66-67; C 20 L 1-12; Fig. 11).

Ito does not teach the use of event location information.

Myr teaches

The mapping of event location information (Myr: ¶ 0178; EN: Having not further defined the applicant's claimed "event location information" in the claimed invention, the examiner has found that the applicant's claimed "event location information" reads on the traffic accident (i.e. the "event") location information as taught by Myr.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the vehicle guidance system of Myr with the vehicle navigation apparatus of Ito for the purpose of mapping event locations (Myr: ¶ 0178).

Regarding claim 16:

Ito teaches,

a transmission device that includes (Ito: C 3, L 14-28; EN: The examiner takes the position that the applicant's claimed "transmission device" is inherent in Ito teaching the transmission of information.);

the first digital map (C 3, L 65-67; *"navigation data includes at least one of map data, road data, intersection data, area guidance data and voice guidance data"*);

an information generator that generates, based on the first digital map, location information (Ito: C 3, L 65-67) including:

a list of points on a road segment of the digital map, and attribute information on said points (Ito: C 3, L 65-67); and

a transmitter that transmits the location information (Ito: C 3, L 14-28); and a receiving device that includes:

a receiver that receives the location information from the transmitter (Ito: C 3, L 29-34);

the second digital map including data representing the road segment, said data being different from the list of points included in the received location information (Ito: C 9, L 38-42; EN: Having not defined the term “different” in the claimed invention, and having not claimed what the applicant means by claiming that the “list of points” is “different” from the “data”, the examiner has asserted a definition of these terms and phrases. Based on this assertion, the examiner has found that Ito et al. anticipates the applicant’s claim “list of points” being “different”. This assertion is based on the fact that it would have been obvious to one of ordinary skill in the art that the data transmitted from one location is “different” from the data at a second location.); and

an identifying unit that performs matching of said points with said data to identify said road segment on the second digital map using coordinates information of the points and the attribute information included in the location information (Ito: C 19, L 66-67; C 20 L 1-12; Fig. 11).

Ito does not teach the use of event location information.

Myr teaches

The mapping of event location information (Myr: ¶ 0178; EN: Having not further defined the applicant's claimed "event location information" in the claimed invention, the examiner has found that the applicant's claimed "event location information" reads on the traffic accident (i.e. the "event") location information as taught by Myr.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the vehicle guidance system of Myr with the vehicle navigation apparatus of Ito for the purpose of mapping event locations (Myr: ¶ 0178).

Regarding claim 20:

Ito teaches,

(New): A transmission apparatus adapted for operating as the transmission device of the system (Ito: C 3, L 14-28).

Regarding claim 21:

Ito teaches,

(New): A receiving apparatus adapted for operating as the receiving device of the system (Ito: C 3, L 29-34).

Response to Arguments

Applicant's arguments filed on March 14, 2008 have been fully considered but are found to be non-persuasive. The unpersuasive arguments made by the Applicant are stated below:

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In reference to Applicant's argument

Further, during the interview, the Examiner indicated that the art-based rejections could be overcome by rewriting the terms "location information" to recite "event location information." More specifically, the Examiner indicated that an "event location" was not taught by the cited references.

Examiner's response:

The examiner has considered the applicant's above arguments and agrees that the applicant's previously claimed "location information" was not found in the cited prior art of record. However, in light of the applicant's currently amended invention, the examiner has set forth a new rejection as set forth above.

In reference to Applicant's argument

Claims 1, 12, 13 and 14 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Examiner's response:

The examiner has considered the applicant's above arguments and has withdrawn rejection under 35 USC 112.

In reference to Applicant's argument

Neither Ito nor Saito, nor any combination thereof, teaches, suggests or otherwise renders obvious an "event location" as claimed.

Examiner's response:

The examiner has considered the applicant's above arguments and has set forth a new grounds of rejection as set forth above.

Examiner's Opinion:

The examiner has considered the applicant's arguments in light of the claimed invention. Furthermore, the examiner respectfully reminds the applicant that **“during examination, the claims must be interpreted as broadly as their terms reasonably allow”**. (MPEP 2111.01 [R-5] I)

It is the goal of the Examiner to move the applicant's claimed invention towards allowability. However, as presently claimed, the applicant's claimed invention is substantially broad and is broad enough to read on the prior art of record. The examiner respectfully request that the applicant consider what the invention is, and where the line between the prior art (cited by the examiner and/or known by the applicant) and the applicant's intended invention lay. This request is made so the examiner can help the applicant arrive at claim language that not only traverses the language taught in the presently pending and/or previously disclosed prior art, but also traverses concepts taught (or suggested) in prior art known by the examiner and/or applicant which has not been cited. Also, the examiner is more than willing to have an interview with applicant, but requests that the applicant disclose what he or she considers to be the most inventive portion of the claimed and/or disclosed invention.

- Regarding the “list of points”, the examiner has interpreted them to be a subset of the map data and road data as taught by Ito.

- Regarding the claimed "event location", the examiner has interpreted the event that has occurred in the past or that will occur in the future at some defined or undefined location.
- Regarding the claimed "different", the examiner has interpreted this term to include two separate copies of the same data, the same data on two different systems, and data of "different" types.
- Regarding the prior art, the examiner has found that the determining of "event location information" is a widely taught concept in the prior art, where the "events" include but aren't limited to traffic accidents, entertainment events, traffic congestion, road closures, etc.

Should the applicant choose to amend, the Examiner respectfully suggests that the applicant further define the above mentioned terms (The previously cited suggestions are not a recitation of allowable subject matter, but are rather subject matter disclosed/claimed by the applicant which will help further distinguish the claimed invention from the prior art. Furthermore, any amendment will require further searching of the prior art.).

Claims 1, 6, 12-13, 16-21 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrian L. Kennedy whose telephone number is (571) 270-1505. The examiner can normally be reached on Mon -Fri 8:30am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALK

David Vincent
Supervisory Patent Examiner
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/Joseph P. Hirl/

Primary Examiner, Art Unit 2129